IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO.16088 OF 2004

For Approval and Signature:

HON'BLE MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

JITENDRAKUMAR CHIMANLAL JOSHI

Versus

PALANPUR NAGAR PALIKA

Appearance:

1. Special Civil Application No. 16088 of 2004

MR. MUKESH H. RATHOD for Petitioner

MR. H.S. MUNSHAW for Respondent

CORAM : HON'BLE MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 09/02/2005

ORAL JUDGEMENT

1. Rule.

Mr.H.S.Munshaw, learned Advocate, appears and waives service of Rule on behalf of the respondent.

At the request of the learned Advocate for the petitioner and with the consent of the learned Advocate

for the respondent, the matter is taken up for final disposal.

2. The petitioner-workman, has approached this Court being aggrieved of Judgement and Award dated 30th May, 2000 passed by the learned Presiding Officer of the Labour Court, Palanpur in Reference (LCP) No.274 of 1996.

The learned Presiding Officer of the Labour Court has partly allowed the Reference and has ordered the respondent-Nagarpalika to reinstate the petitioner on his original post, with continuity of service and 25% back-wages.

3. The petitioner has prayed for grant of 100% back-wages and quashing and setting aside Order dated 30th December, 2002 passed in Review Application No.1 of 2002. However, on 14th December, 2004, the petitioner had deleted the aforesaid two prayers and, therefore, the petition survives only for payment of 25% back-wages and reinstatement.

4. Mr.H.S.Munshaw, learned Advocate appearing for the respondent-Nagarpalika states that as the petitioner is already reinstated in service, the only question survives in this petition is payment of 25% back-wages.

Mr.Munshaw could not convince this Court for varying the impugned award of the learned Presiding Officer. However, he requested that looking to the financial burden, which is going to be caused while implementing the award, be diluted by awarding reasonable installments. The amount of back-wages is approximately Rs.39,000=00.

5. In this background, it is directed that the respondent-Nagarpalika, after calculating the exact amount of 25% back-wages, shall pay the same in six equal monthly installments. The first installment be paid on or before 15th March, 2005 and the subsequent installments be paid on or before 15th of every succeeding month. The impugned judgement and award stands modified to the aforesaid extent only. With this direction, the petition is disposed of. Rule is made absolute. No order as to costs.

(Ravi R. Tripathi, J.)
kamlesh*